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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,586	08/29/2003	Dennis York	TRMB1412	9289

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02/23/2006

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EXAMINER

PEYTON, TAMMARA R

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/651,586

Applicant(s)

YORK, DENNIS

Examiner

Tammara R. Peyton

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/13/06, 9/2/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ross et al., (US 5,859,628).

As per claim 1, Ross teaches a processing unit for an electronic instrument comprising:

a signal/data processor (figure 2, element 102, PDA will inherently have a processor as it essential for functionality of the PDA);

an exposed external electrical contact (510, 512, 514) for receiving electric power input;

an exposed external electrical contact (510, 512, 514) for receiving an electric signal input;

an exposed external electrical contact for (510, 512, 514) transmitting an electrical signal output; and

a housing (102) comprising mechanical retention features for securely attaching a battery/input/output module. (see figure 5, housing of PDA 102 securely attaches to

battery/input/output module 104, col. 5, lines 30-57)

As per claims 2-4, 6, and 7, Ross teaches wherein said processing unit comprises a memory (inherent that all PDA'S have internal memory to store the operating system and other programs as it is essential for functionality of the PDA), keypad (figure 2, 4-way navigation and A and B buttons comprise a keypad), microprocessor (inherent that the PDA has a microprocessor as it is essential for functionality of the PDA), and touch panel display (figure 2, element 202).

As per claim 5, Ross teaches wherein the contacts may be sealed through the attachment of a cover to the surface of said housing.

As per claim 8, Ross teaches a portable battery/input/output module (Fig. 3, 5, module is part of automobile thereby making portable) for a portable electronic instrument comprising:

- a storage device (104, Fig. 4) for electric energy (108);

- an exposed external electrical contact (310, Fig. 3) for transmitting electric power;

- an exposed external electrical contact (316, Fig. 3) for receiving an electric signal input;

- an exposed external electrical contact (316, Fig.3) for transmitting an electrical signal output;

- a housing (104, Fig.4) comprising mechanical retention features for securely attaching a processing unit.

As per claim 9, Ross teaches wherein the contacts may be sealed through the attachment of a cover to the surface of said housing.

As per claim 13, Ross teaches further comprising an embedded inductive charger for said energy storage device (column 3, lines 27-62).

As per claim 14, Ross teaches further comprising a power input port for charging said energy storage device (column 3, lines 27-62).

As per claim 15, Ross teaches a processing unit coupled to a battery/input/output module (figure 5 shows processing unit 102 couples to battery/input/output module 104), please see rejection for claims 1 and 8 above.

As per claim 16, Ross teaches wherein said portable electronic instrument is sealed (element 102 coupled to element 104 provides a sealed unit).

As per claims 17 and 18, Ross teaches wherein said portable electronic instrument may be powered by coupling an external power source to said battery/input/output module (column 3, lines 27-62).

As per claim 19, Ross teaches wherein said portable electronic instrument is a handheld. (figure 1, element 102).

As per claim 20, Ross teaches wherein said portable electronic instrument comprises a GPS (column 8, lines 20-25).

Response to Applicant's Arguments

Applicant argues that claims 1, 8, and 15 teach "A portable battery/input/output module comprising... an exposed external electrical contact for receiving an electric signal input; and an exposed external electrical contact for transmitting an electrical signal output...", Examiner is taking the position that Ross teaches each and every limitation as claimed. Ross teaches a portable battery/input/output module because housing 104 of Ross is part of an automobile which is inherently a portable device.

Further, the exposed external contact disclosed by Applicant is defined as either 225 or 125, therefore, Ross also teaches exposed external contact as either 510, 512, 514 or 310 and 316.

Conclusion

Applicant's arguments are moot based on the new grounds of rejections.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

Hand-delivered responses should be brought to:

USTPO, Randolph Building, Customer Service Window

401 Dulany Street

Alexandria, VA 22314.

A handwritten signature in black ink, appearing to read 'Tammara Peyton', with a stylized flourish at the end.

TAMMARA PEYTON
PRIMARY EXAMINER

Tammara Peyton
February 13, 2006